

  
**MILLER STRATVERT**  
LAW OFFICES

Stephen M. Williams  
Seth V. Bingham  
Timothy R. Briggs  
Thomas R. Mack  
Kirk R. Allen  
Paula G. Maynes  
M. Dylan O'Reilly

Jennifer D. Hall  
Todd A. Schwarz  
Richard L. Alvidrez  
Matthew S. Rappaport  
Luke A. Salganek  
Dan A. Akenhead  
Max A. Jones

Elizabeth M. Reitzel  
Samantha E. Kelly  
Mara E. Anderson  
Alexander W. Tucker  
Laureana A. Larkin  
Kendall M. Barnett

Of Counsel  
Ranne B. Miller (Ret.)  
William K. Stratvert  
Virginia Anderman  
Kelsey D. Green  
Laura R. Ackermann

500 Marquette NW, Suite 1100  
Albuquerque, NM 87102

Mailing Address:  
P.O. Box 25687  
Albuquerque, NM 87125-0687

Telephone:  
(505) 842-1950  
(800) 424-7585  
Facsimile: (505) 243-4408

December 27, 2021

**VIA ELECTRONIC MAIL ONLY**

New Mexico Speech-Language Pathology, Audiology  
and Hearing Aid Dispensing Practices Board  
2550 Cerrillos Road  
Santa Fe, NM 87505  
[Speech.Hearing@state.nm.us](mailto:Speech.Hearing@state.nm.us)

Re: PUBLIC COMMENT for Speech-Language pathology, Audiology, and Hearing  
Aid Dispensing Practices Board Rules Hearing and Board Hearing, November 12,  
2021, 9:00 AM

To Whom It May Concern:

The law firm of Miller Stratvert P.A. has been retained by Erica Burdoin-Rogers and her present employer, Livingston Hearing Aid Center, to provide public comment on issues pertaining to Ms. Burdoin-Rogers pending application for licensure as an audiologist in the state of New Mexico. As stated in our correspondence to the Board on August 26, 2021, there is currently a gap, or loophole, that is preventing Ms. Burdoin-Rogers from becoming a licensed audiologist in the State of New Mexico. Please accept the following as our Public Comment on a need for a Rules change to address this issue.

**SECTION 16.26.2.12 of the New Mexico Administrative Code**

According to section 16.26.2.12 of the New Mexico Administrative Code, "Qualifications and Application for Licensure as an Audiologist," an applicant must provide, amongst other things, "proof of having earned certification in audiology from the American speech-language and hearing association (ASHA) or the American Board of Audiology (ABA)." This subsection, (B), does not include recognition of members of American Academy of Audiology (AAA) as meeting the requirements for licensure of a master's level audiologist.

Ms. Burdoin-Rogers, following graduation from her master's degree program, made the decision to not become a member of either the American Speech-Language and Hearing

A PROFESSIONAL ASSOCIATION

ALBUQUERQUE  
(505)842-1950

FARMINGTON  
(505) 326-4521

SANTA FE  
(505) 989-9614

Association (AHSA) or the American Board of Audiology (ABA). *Mrs. Burdoin-Rogers cannot become certified in either AAA or ASHA as the Masters Program was phased out in 2012 for ASHA and 2008 for ABA regardless of her clinical competency. Had Mrs. Burdoin-Rogers joined either program prior to 2012/2008 and continued to pay annual dues she would meet the current New Mexico standards and her application would have been approved.*

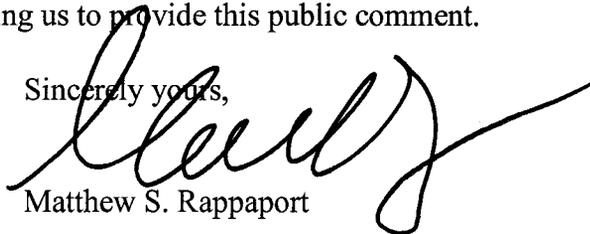
Thus, despite having been licensed and practicing audiology in California since 2006, she is not eligible for a license in New Mexico because she lacks membership in one of two trade organizations the State of New Mexico chooses to recognize. Rule 16.26.2.12 should be amended to include members of AAA, not just those of ASHA and ABA, or to otherwise allow exception for audiologists such as Ms. Burdoin-Rogers who find themselves in this loophole situation. There seems to be no justification to exclude these master's level applicants from being licensed in New Mexico. This is further bolstered by the fact that master's level audiology degrees fulfill all CFY requirements in New Mexico for licensure.

We would urge the Board to fix this loophole that Ms. Burdoin-Rogers finds herself in. Doing so would be in line with Governor Lujan Grisham's Executive Order of October 26, 2021 seeking feedback in streamlining and simplifying the process for application of professional and occupational licenses in New Mexico.

We would refer you to our letter to the Board of August 26, 2021 setting forth Ms. Burdoin-Rogers situation regarding her license application.

Thank you for your time and allowing us to provide this public comment.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Matthew S. Rappaport', written in a cursive style.

Matthew S. Rappaport